

Court No. - 6

Case :- WRIT - C No. - 32880 of 2023

Petitioner :- Messrs. Dheeraj Lime Company

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Satya Deo Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

The writ petition has been filed with a prayer to stay the operation of order dated 26.02.2022 passed by Designated Authority appointed under the payment of Wages Act vide which the recall application of the petitioner has been rejected.

Learned counsel for the petitioner submits that against the ex-parte award dated 30.11.2019, the petitioner filed a recall application on 14.01.2020 with a request to provide the opportunity to produce oral evidence. The aforesaid application is allowed and time was granted to the petitioner to file written submission. Due to fault on part of counsel the written submission could not be filed within stipulated time as directed by the Court, therefore, the court proceeded to decide the matter. A second recall application was filed which has been rejected by order impugned in a mechanical manner without considering the fact that the written submission could not be filed due to fault on the part of the counsel, therefore, as a last opportunity, time may be given to the petitioner to place written submission before the concerned authority.

Learned Standing Counsel on behalf of State submits that the order impugned is of dated 26.02.2022 and the petition has been filed after a lapse of more than one year thus the relief as prayed cannot be granted. He further submits that he has already been given an opportunity while deciding the first recall application.

Accordingly, the writ petition is **dismissed**.

Order Date :- 28.11.2023

Arti